REMARKS

The Office Action mailed February 13, 2009 has been received and reviewed. Each of claims 28 and 30-63 stands rejected. Claims 28, 30, 40, and 52 have been amended herein. Care has been exercised to introduce no new subject matter. Support for the amendments can be found, for example, at ¶¶ [15] and [46]. Reconsideration of the above-identified application in view of the above amendments and the following remarks is respectfully requested.

Summary of Examiner Interview

Applicants would like to thank Examiner Leroux for the courtesy of a telephonic interview with Applicants' representative on March 17, 2009. Initially, the § 112 rejections were discussed. Applicants' representative explained that while "new user profile" is not explicitly stated in the Specification, it is implicit, in that when a user profile is created by way of the user profile connection wizard, for example, a new user profile is created. Therefore, a new user profile is implicit. The Examiner asked Applicants' representatives to include this explanation in the response. Next, the § 103 rejections were discussed, including application settings and user environment settings, as recited in independent claims 28 and 40. Also discussed was the use of the data files, application settings, and user environment settings included in a user profile that are used to configure the computing device. Applicants' representatives do not believe any of these features are contained in the references of record, specifically the Carman and Stegink references. The Examiner requested that Applicants include these arguments in the response.

Claim Objections

Claim 30 has been objected to because it recites "The method according to claim 30..." Claim 30 has been amended herein to depend on independent claim 28, and therefore Applicants respectfully request the withdrawal of the objection to claim 30.

Rejections based on 35 U.S.C. § 112

Claims 28 and 30-63 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The § 112 rejection was discussed during the Examiner interview, as described above. It is respectfully submitted that while "new user profile" is not explicitly stated in the Specification, it is implicit in the Specification, in that when a user profile is created. MPEP § 2163 states that "newly added claim limitations must be supported in the specification through express, implicit, or inherent disclosure." MPEP § 2163. Therefore, it is respectfully requested that the § 112 rejection of these claims be withdrawn, as "new user profile" is implicit in that a user profile is created, therefore providing a new user profile.

Rejections based on 35 U.S.C. § 103(a)

A.) Applicable Authority

The basic requirements of a *prima facie* case of obviousness are summarized in MPEP §2143 through §2143.03. In order "[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success [in combining the references]. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. The teaching or

suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)". *See* MPEP §2143. The Supreme Court in *Graham v. John Deere* counseled that an obviousness determination is made by identifying: the scope and content of the prior art; the level of ordinary skill in the prior art; the differences between the claimed invention and prior art references; and secondary considerations. *Graham v. John Deere Co.,* 383 U.S. 1 (1966). To support a finding of obviousness, the initial burden is on the Office to apply the framework outlined in *Graham* and to provide some reason, or suggestions or motivation found either in the prior art references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the prior art reference or to combine prior art reference teachings to produce the claimed invention. *See*, *Application of Bergel,* 292 F. 2d 955, 956-957 (1961).

Recently, the Supreme Court elaborated, at pages 13-14 of the KSR opinion, that "it will be necessary for [the Office] to look at interrelated teachings of multiple [prior art references]; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by [one of] ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the [patent application]." KSR v. Teleflex, 127 S. Ct. 1727 (2007). Further, in establishing a prima facie case of obviousness, the initial burden is placed on the Examiner. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed

invention to have been obvious in light of the teachings of the references. Ex parte Clapp, 227

USPQ 972, 972 (Bd. Pat. App. & Inter. 1985)." *Id.* See also MPEP §706.02(j) and §2142.

B.) **Obviousness Rejection Based on U.S. Publication No. 2003/0046567 to**

Carman et al., in view of U.S. Publication No. 2004/0215278 to Stegink et al.

Claims 28, 30-35, 40-47 and 52-59 are rejected under 35 U.S.C. § 103(a) as being

unpatentable over U.S. Publication No. 2003/0046567 to Carman (hereinafter the "Carman

reference") in view of U.S. Publication No. 2004/0215278 to Stegink et al. (hereinafter the

"Stegink reference"). As the Carman reference and the Stegink reference, whether taken alone

or in combination, fail to teach or suggest all of the features of each of the rejected claims, a

prima facie case of obviousness has not been established, and Applicant therefore respectfully

traverses this rejection, as hereinafter set forth.

Claim 28, as amended herein, is generally directed towards a method for creating

a user profile. The method includes detecting a connection of a Portable Storage Device (PSD)

to a computing device, and upon detecting the connection of the PSD, scanning the PSD for an

indication of an existing user profile containing data files, application settings and user

environment settings, wherein the user environment settings include one or more of a user's

desktop configuration, a start menu configuration, or an application toolbar configuration. The

method further includes, in response to detecting that no existing user profile is found on the

PSD, automatically launching a user profile connection wizard that enables the user to create a

user profile on the PSD. Input is then received from the user profile configuration wizard from

the user selecting which content data will be synchronized between the PSD and the computing

device. Additionally, the method includes storing the selected content data on the PSD in

association with a new user profile, and in response to the user input, synchronizing the selected

content data between the PSD and the computing device.

The Carman reference, to the contrary, is generally directed towards a method and

apparatus for storing usernames and passwords in a portable memory, wherein the usernames

and passwords are for network addresses or universal resource locators (URLs). *See,* Carman

reference, Abstract. Then the memory card is attached to an electronic device, such as a

computer, that is attempting to access a particular URL, the user may enter the password to

unlock requested information. *See id.* Once the memory card is coupled to the computer, such

as via the computer's USB port, the memory of the memory card may then be accessed by

entering a password to unlock the card. *See id.* at ¶¶ [0035] – [0036]. The memory card may

then compare the user-entered password to stored information, and if valid, the "controller of the

memory card decrypts the memory contents" which may include "decrypting the entire memory

contents or simply decrypting the information as the electronic device requests it." *Id.* at ¶¶

[0037] – [0039].

It is respectfully submitted that the Carman reference fails to teach or suggest

several features explicitly claimed in independent claim 28, including "wherein the user

environment settings include one or more of a user's desktop configuration, a start menu

configuration, or an application toolbar configuration." The Office Action cites to paragraph 32

of the Carman reference in support of its rejection of this portion of independent claim 28. *See,*

Office Action, p. 4. Instead, this portion, is directed towards a memory card being coupled to a

USB port of a computer, wherein the "computer's operating system goes through an automatic

recognition process to load the driver for the memory card." Carman reference at ¶ [0034]. This

portion also describes different ways of downloading the driver in the operating system. *See id.*

It is respectfully submitted that this portion cannot be used to reject "wherein the user environment settings include one or more of a user's desktop configuration, a start menu configuration, or an application toolbar configuration." First, there is no mention at all of any user environment settings, such as those explicitly defined in claim 28. Second, if this portion does mention user environment settings, which it does not, they are not included in a user profile, that can be stored on a storage device, and that can be transferred from one computing device to another, thus allowing the user to have consistency between computing devices. Downloading drivers onto an operating system, as described in the Carman reference, cannot be used to reject claim 28, and more specifically, the recited portion above.

It is submitted that the Stegink reference fails to cure the deficiencies of the Carman reference. The Stegink reference, in contrast to claim 28, is generally directed towards a method for "enabling a programming device to upload a distributed software upgrade into a reprogrammable device having a unique serial number. . ." Stegink reference, Abstract. FIG. 2 of the Stegink reference illustrates a method for uploading a software upgrade to an implanted reprogrammable medical device (IRMD), such as a pacemaker. *See id.* at FIG. 2. The method includes downloading data from the IRMD into the programming device, combining data analysis and medical expertise to diagnose conditions responsive to a new therapy, selecting an appropriate upgrade, inserting a memory stick into the programming device, inputting a media identifier, entering the IRMD serial number, calculating a first enabling code from the media identifier, contacting a registry, comparing the first and second enabling codes, and enabling or aborting the upload, depending on the outcome of the comparison. *See id.* at ¶¶ [0014] – [0016]. There is no indication in the Stegink reference that it allows for user profiles to be stored on storage devices, and if not found, to be created by using an automatically launched wizard.

Further, it is respectfully submitted that the Carman reference fails to teach or suggest "automatically launching a user profile connection wizard that enables the user to create a user profile on the PSD." The Office Action admits that the Carman reference fails to teach or suggest this feature of claim 28, and cites to paragraph 14 of the Stegink reference in support of its rejection of this feature of claim 28. *See* Office Action at p. 4. This portion, however, describes something very different than claim 28, in that it describes a wizard that assists in installing software on a memory that "may automatically load and present screen prompts for inputs from the user." Stegink reference, ¶ [0014]. It does not describe in any way a wizard that enables a user to create a user profile. Creating a user profile and loading software onto a computer cannot be compared to each other. More specifically, loading software onto a computer does not teach or suggest, implicitly or explicitly, a wizard that creates a user profile, and thus it is respectfully submitted that it is improper to use the Stegink reference for this purpose.

Additionally, it is respectfully submitted that the Carman reference fails to teach or suggest "receiving input from the user profile configuration wizard from the user selecting which content data will be synchronized between the PSD and the computing device." The Office Action states that the combination of Carman and Stegink discloses this feature, and more specifically, that Carman teaches that "the telephone's browser or operating system then stores both the username and password with the URL of the web page into the memory card's memory." Office Action at p. 5. It is unclear how this cited portion of the Carman reference teaches or suggests receiving any input from a user. In fact, the user has no input at all except for entering in data, such as username and password, when accessing a web page for the first time. *See* Carman reference at ¶ [0027]. This information may then be stored with the URL of

the web page into the memory of the memory card. *See id.* This has no relation at all to receiving input from a user selecting which content data is to be synchronized between the PSD and the computing device. The user does not make any type of a selection as to which data is synchronized and which data is not synchronized. As such, it is unclear how this portion or any other portion of the Carman reference can be used to reject this feature of claim 28, as it does not teach or suggest, implicitly or explicitly, the explicitly recited feature of claim 28, which is "receiving input from the user profile configuration wizard from the user selecting which content data will be synchronized between the PSD and the computing device."

Claim 40, as amended herein, is directed to a computer readable storage medium on which is stored computer executable instructions that cause a computer to perform a method for creating a user profile. The method includes detecting a connection of a Portable Storage Device (PSD) to a computing device, and upon detecting the connection of the PSD, scanning the PSD for an indication of an existing user profile containing data files, application settings and user environment settings *that are used to configure the computing device*. Further, the method includes, in response to detecting that no existing user profile is found on the PSD, automatically launching a user profile connection wizard, and receiving input from the user profile configuration wizard from the user selecting which content data will be synchronized between the PSD and the computing device. Additionally, the method includes storing the selected content data on the PSD in association with a new user profile, and in response to the user input, synchronizing the selected content data between the PSD and the computing device.

It is respectfully submitted that neither the Carman nor Stegink references teach or suggest "scanning the PSD for an indication of an existing user profile containing data files, application settings and user environment settings that are used to configure the computing

device." As stated above, the Carman reference is directed towards a method and apparatus for storing usernames and passwords in a portable memory, wherein the usernames and passwords are for network addresses or universal resource locators (URLs). *See,* Carman reference, Abstract. Nothing in the Carman reference suggests that it contains each of data files, application settings, and user environment settings *that are used to configure the computing device*. This advantageously allows the user to have consistency when using different computing systems. Instead of the above recited feature of claim 40 as amended herein, the Carman reference provides for a memory stick that stores usernames and passwords, and that sends this information to various websites that the user is attempting to access. *See id.* The usernames and passwords are not used to configure a computing device, as required by claim 40. *See id.* The Stegink reference fails to cure the deficiencies of the Carman reference, in that it also fails to teach the above-recited feature, and further, fails to teach any type of user profile at all, and instead teaches uploading software upgrades. *See* Stegink reference at Abstract.

Further, it is respectfully submitted that the Carmen and Stegink references fail to teach or suggest "in response to detecting that no existing user profile is found on the PSD, automatically launching a user profile connection wizard." The Office Action admits that the Carman reference fails to teach or suggest this feature of claim 40, and cites to paragraph 14 of the Stegink reference in support of its rejection of this feature of claim 40. *See* Office Action at p. 4. This portion, however, describes something very different than claim 40, in that it describes a wizard that assists in installing software on a memory that "may automatically load and present screen prompts for inputs from the user." Stegink reference, ¶ [0014]. It does not describe in any way a wizard that enables a user to create a user profile. Creating a user profile and loading software onto a computer cannot be compared to each other. More specifically, loading software

onto a computer does not teach or suggest, implicitly or explicitly, a wizard that creates a user profile, and thus it is respectfully submitted that it is improper to use the Stegink reference for this purpose.

The Carmen and Stegink references also fail to teach or suggest "receiving input from the user profile configuration wizard from the user selecting which content data will be synchronized between the PSD and the computing device." The Office Action states that the combination of Carman and Stegink discloses this feature, and more specifically, that Carman teaches that "the telephone's browser or operating system then stores both the username and password with the URL of the web page into the memory card's memory." Office Action at p. 5. It is unclear how this cited portion of the Carman reference teaches or suggests receiving any input from a user. In fact, the user has no input at all except for entering in data, such as username and password, when accessing a web page for the first time. *See* Carman reference at ¶ [0027]. This information may then be stored with the URL of the web page into the memory of the memory card. *See id.* This has no relation at all to receiving input from a user selecting which content data is to be synchronized between the PSD and the computing device. The user does not make any type of a selection as to which data is synchronized and which data is not synchronized. As such, it is unclear how this portion or any other portion of the Carman reference can be used to reject this feature of claim 40, as it does not teach or suggest, implicitly or explicitly, the explicitly recited feature of claim 40, which is "receiving input from the user profile configuration wizard from the user selecting which content data will be synchronized between the PSD and the computing device."

Claim 52, as amended herein, is directed toward a computer comprising a processor and a memory including computer executable instructions that cause the computer to

perform a method for creating a user profile. The method includes detecting a connection of a Portable Storage Device (PSD) to a computing device and upon detecting the connection of the PSD, scanning the PSD for an indication of an existing user profile containing data files, application settings and user environment settings *that are used to configure the computing device*. Further, the method includes, in response to detecting that no existing user profile is found on the PSD, automatically launching a user profile connection wizard, and receiving input from the user profile configuration wizard from the user selecting which content data will be synchronized between the PSD and the computing device. Additionally, the method includes storing the selected content data on the PSD in association with a new user profile, and in response to the user input, synchronizing the selected content data between the PSD and the computing device.

It is respectfully submitted that the Carman and Stegink references fail to teach or suggest "upon detecting the connection of the PSD, scanning the PSD for an indication of an existing user profile containing data files, application settings and user environment settings *that are used to configure the computing device*." As stated above, the Carman reference is directed towards a method and apparatus for storing usernames and passwords in a portable memory, wherein the usernames and passwords are for network addresses or universal resource locators (URLs). *See*, Carman reference, Abstract. Nothing in the Carman reference suggests that it contains each of data files, application settings, and user environment settings *that are used to configure the computing device*. This advantageously allows the user to have consistency when using different computing systems. Instead of the above recited feature of claim 52 as amended herein, the Carman reference provides for a memory stick that stores usernames and passwords, and that sends this information to various websites that the user is attempting to access. *See id.*

The usernames and passwords are not used to configure a computing device, as required by claim 40. *See id.* The Stegink reference fails to cure the deficiencies of the Carman reference, in that it also fails to teach the above-recited feature, and further, fails to teach any type of user profile at all, and instead teaches uploading software upgrades. *See* Stegink reference at Abstract.

Further, both the Carman and Stegink references fail to teach or suggest "in response to detecting that no existing user profile is found on the PSD, automatically launching a user profile connection wizard." The Office Action admits that the Carman reference fails to teach or suggest this feature of claim 52, and cites to paragraph 14 of the Stegink reference in support of its rejection of this feature of claim 52. *See* Office Action at p. 4. This portion, however, describes something very different than claim 52, in that it describes a wizard that assists in installing software on a memory that "may automatically load and present screen prompts for inputs from the user." Stegink reference, ¶ [0014]. It does not describe in any way a wizard that enables a user to create a user profile. Creating a user profile and loading software onto a computer cannot be compared to each other. More specifically, loading software onto a computer does not teach or suggest, implicitly or explicitly, a wizard that creates a user profile, and thus it is respectfully submitted that it is improper to use the Stegink reference for this purpose.

Still further, both the Carman and Stegink reference fail to teach or suggest "receiving input from the user profile configuration wizard from the user selecting which content data will be synchronized between the PSD and the computing device." The Office Action states that the combination of Carman and Stegink discloses this feature, and more specifically, that Carman teaches that "the telephone's browser or operating system then stores both the

username and password with the URL of the web page into the memory card's memory." Office

Action at p. 5. It is unclear how this cited portion of the Carman reference teaches or suggests

receiving any input from a user. In fact, the user has no input at all except for entering in data,

such as username and password, when accessing a web page for the first time. *See* Carman

reference at ¶ [0027]. This information may then be stored with the URL of the web page into

the memory of the memory card. *See id.* This has no relation at all to receiving input from a

user selecting which content data is to be synchronized between the PSD and the computing

device. The user does not make any type of a selection as to which data is synchronized and

which data is not synchronized. As such, it is unclear how this portion or any other portion of

the Carman reference can be used to reject this feature of claim 52, as it does not teach or

suggest, implicitly or explicitly, the explicitly recited feature of claim 52, which is "receiving

input from the user profile configuration wizard from the user selecting which content data will

be synchronized between the PSD and the computing device."

As such, it is respectfully submitted that the Carman and Stegink references,

whether taken alone or in combination, fail to teach or suggest all of the limitations of

independent claims 28, 40, and 52, as amended herein, and as such, a *prima facie* case of

obviousness of claims 28, 40, and 52 cannot be established utilizing these references.

Accordingly, Applicant respectfully requests withdrawal of the rejection of independent claims

28, 40, and 52 under 35 U.S.C. §103(a). Independent claims 28, 40, and 52 are believed to be in

condition for allowance and such favorable action is respectfully requested.

Claims 30-35, 41-47, and 53-59 depend, either directly or indirectly, from one of

independent claims 28, 40, or 52 and, accordingly, it is respectfully submitted that the Carman

and Stegink references fail to teach or suggest all of the limitations of these claims for at least the

above-cited reasons. As such, the withdrawal of the § 103(a) rejections of claims 30-35, 41-47, and 53-59 is respectfully requested. Each of claims 30-35, 41-47, and 53-59 is believed to be in condition for allowance, and such favorable action is respectfully requested.

C.)   Obviousness Rejection Based on the Carman Reference, in view of the Stegink Reference, in further view of U.S. Publication No. 2003/0028451 to Ananian

Claims 36-37, 48-49, and 60-61 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Carman reference, in view of the Stegink reference, and in further view of U.S. Publication No. 2003/0028451 to Ananian (hereinafter the "Ananian reference"). As the Carman, Stegink, and Ananian references, either alone or in combination, fail to teach or suggest all of the claim limitations of claims 36-37, 48-49, and 60-61, Applicants respectfully traverse this rejection, as hereinafter set forth.

Claims 36-37, 48-49, and 60-61 depend, either directly or indirectly, from one of claims 28, 40, or 52, and are therefore patentable over the Carman, Stegink, and Ananian references for at least the reasons cited above. Moreover, claims 36-37, 48-49, and 60-61 recite further novel, non-obvious features not taught or suggested in the cited references in the context of independent claims 28, 40, and 52. Accordingly, Applicants respectfully request withdrawal of the § 103(a) rejections of claims 36-37, 48-49, and 60-61 as well. Claims 36-37, 48-49, and 60-61 are believed to be in condition for allowance and such favorable action is respectfully requested.

D.)   Obviousness Rejection Based on the Carman reference, in view of the Stegink reference, in further view of U.S. Publication No. 2003/0154282 to Horvitz

Claims 38-39, 50-51 and 62-63 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Carman reference, in view of the Stegink reference, and in further view of

U.S. Publication No. 2003/0154282 to Horvitz (hereinafter the "Horvitz reference"). As the Carman, Stegink, and Horvitz references, either alone or in combination, fail to teach or suggest all of the claim limitations of claims 38-39, 50-51, and 62-63, Applicants respectfully traverse this rejection, as hereinafter set forth.

Claims 38-39, 50-51, and 62-63 depend, either directly or indirectly, from one of claims 28, 40, or 52, and are therefore patentable over the Carman, Stegink, and Horvitz references for at least the reasons cited above. Moreover, claims 38-39, 50-51, and 62-63 recite further novel, non-obvious features not taught or suggested in the cited references in the context of independent claims 28, 40, and 52. Accordingly, Applicants respectfully request withdrawal of the § 103(a) rejections of claims 38-39, 50-51, and 62-63 as well. Claims 38-39, 50-51, and 62-63 are believed to be in condition for allowance and such favorable action is respectfully requested.

CONCLUSION

For at least the reasons stated above, claims 28 and 30-63 are now in condition for allowance. Applicants respectfully request withdrawal of the pending rejections and allowance of the claims. If any issues remain that would prevent issuance of this application, the Examiner is urged to contact the undersigned – 816-474-6550 or emcfarland@shb.com (such communication via email is herein expressly granted) – to resolve the same. It is believed that no fee is due, however, the Commissioner is hereby authorized to charge any amount required to Deposit Account No. 19-2112.

Respectfully submitted,

/ELENA K. McFARLAND/

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